

UNITED STATES DISTRICT COURT

**Jury demand date:**

D. C. Form No. 106A Rev.

TITLE OF CASE				ATTORNEYS			
<p>LEE TONEY</p> <p>vs</p> <p>Central States, Southeast and Southwest Pension Fund, and  James R. Hoffa, A. O. Buck, Kirke Couch,  R. J. Ehrhardt, C. J. Madigan, Albert D.  Matheson, Charles J. Morse, John A. Murphy,  M. W. Miller, Gordon R. Conklin, Wm. Presser,  Gene San Soucie, Odell Smith, Floyd C. Webb,  Roy L. Williams, and Fred Strecker, Jr.,  The Trustees thereof; Thomas J. Duffey,  John F. Spickerman, Herman A. Lueking, Jr.,  J. A. Sheetz, William J. Kennedy, Frank  E. Fitzsimmons, Donald Peters, Frank H.  Ranney, Joseph W. Morgan, and Robert Holmes,  as Trustees of Central States, Southeast  and Southwest Areas Pension Fund.</p>				<p>For plaintiff:</p> <p>Blackstock &amp; McMillan  P. O. Box 1200  Bristow, Oklahoma 74010</p> <p>For defendant:</p> <p>Ungerman, Grabel, Ungerman &amp; Leiter  Sixth Floor Wright Building  Tulsa, Oklahoma 74103</p> <p>Goldberg, Previant &amp; Uelmen  Sixth Floor, Midland Bank Building  Milwaukee, Wisconsin 53203</p>			
STATISTICAL RECORD		COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 8-1-70		Clerk		1970 7-23-70	Ungerman CD #4	15 00	15 00
J.S. 6 mailed 7-1-71		Marshal					
Basis of Action: Judgment for disability payments under pension plan		Docket fee Witness fees					
Action arose at:		Depositions					

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-17-70	Petition for Removal from the District Court of Creek County, Okla, Bristow Division, filed. ds	
7-17-70	Removal Bond, filed. Trustees as principal, American Casualty Company of Reading, Pa. as surety in the sum of \$500.00. ds	
7-17-70	Motion of defendant Hoffa to dismiss for lack of service of process, filed. ds	
7-17-70	Brief in support of defendant Hoffa's motion to dismiss, filed. ds	
7-20-70	Separate answer of defts. Buck and Ehrhardt, filed. m	
7-20-70	Motion for additional time to plead or answer of deft. Central States, filed. m	
7-20-70	Motion for additional time to plead or answer of defts. Matheson, Presser, Smith and Williams, filed. m	
7-21-70	Order of 7-20-70 filed, that Central States, Southeast and Southwest Areas Pension Fund, and Albert D. Matheson, Wm. Presser, Odell Smith, and Roy L. Williams, Trustees of Central States, Southeast and Southwest Areas Pension Fund have until August 20, 1970 within which to plead or answer. (Fred Daugherty - Judge) b	
7-22-70	Affidavit of William Leiter, filed. m	
7-23-70	Ordered that the pltf. respond with brief to the deft. James R. Hoffa's motion to dismiss for lack of service of process within 10 days. (FD-J)m	
8-19-70	Ordered by the Court that the defendants, except James R. Hoffa, are granted until August 28, 1970 within which time to answer the complaint. (Fred Daugherty - Judge) b	
8-20-70	Defendant's suggestion of death of defendants Conklin, San Soucie and Webb, filed. ds	
8-20-70	Entry of appearance and separate answer of defendants Couch, Morse, Miller and Strecker, filed. ds	
8-28-70	Entry of appearance of Defendants Madigan and Murphy, filed. v	
8-28-70	Separate Answer of Deft Central States, Southeast and Southwest areas pension fund., filed. v	
8-28-70	Separate Answer of Defendants Madigan, Matheson, Murphy, Presser, Smith and Williams., viled. v	
8-31-70	Affidavit filed by deft., filed. v	
9-15-70	Stipulation of dismissal as to James R. Hoffa, et al., filed. b	
9-15-70	Order of 9-14-70 filed and entered, that action is dismissed without prejudice as to defendants, James R. Hoffa, A. O. Buck, Kirke Couch, Charles J. Morse, R. J. Ehrhardt, M. W. Miller, Gordon R. Conklin (deceased), Gene San Souci (deceased), Floyd C. Webb (deceased), and Fred Strecker, Jr., without cost to either party. ( Fred Daugherty-Judge) b copies above stip. and this order mailed to counsel. b	
9-15-70	Application of plaintiff to add Thomas J. Duffey, et al., as additional defendants, filed. copies mailed to counsel. b	
9-15-70	Order filed, that Thomas J. Duffey, John F. Spickerman, Herman A. Lueking, Jr., J. A. Sheetz, William J. Kennedy, Frank E. Fitzsimmons, Donald Peters, Frank H. Ranney, Joseph W. Morgan, and Robert Holmes, as Trustees of Central States, Southeast and Southwest Areas Pension Fund, are made additional parties defendant. (Fred E. Daugherty-Judge) copies mailed counsel. b	
9-18-70	Entry of appearance and answer of defendants Duffey, Spickerman, Lueking, Sheetz, Kennedy, Fitzsimmons, Peters, Ranney, Morgan and Holmes, filed. ds	
9-20-70	Stipulation and application of parties that plaintiff file an amended complaint, filed. b	

(Continued on Page No. 3, Sheet No. 2)

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-30-70	Amended Complaint, filed. (Permission granted to file-(FD-Judge)) b	
12-14-70	Separate answer of defts Matheson, Madigan, Murphy, Duffey, Spickerman, Lueking, Sheetz, Kennedy, Fitzsimmons, Peters, Ranney, Morgan, Williams, Smith, Presser and Holmes, filed. m (Leave granted to file out of time - FD-J)	
12-14-70	Separate answer of deft. Central States, Southeast and Southwest Areas Pension Fund, filed. (Leave granted to file out of time - FD-J)m	
1-11-71	Ordered by the Court that this case is set for pre-trial hearing on Tuesday, January 26, 1971 at 11:00 A. M. (Fred Daugherty-Judge) b	
1-26-71	Pre-trial hearing held, parties represented, statements made, jurisdiction agreed; that case is submitted on stipulation of facts within 30 days and suggested F/F and C/L within 20 days thereafter simultaneously. (Fred Daugherty - Judge) b	
2-25-71	Ordered by the Court that the parties have an additional 20 days within which time to submit stipulation of facts and suggested F/F and C/L. (Fred Daugherty - Judge) <i>notice</i>	
3-17-71	Ordered by the Court that, at the request of both sides the parties are granted an additional 10 days within which time to submit stipulation of facts and suggestion F/F and C/L. (Fred Daugherty - Judge) b	
3-29-71	Ordered by the Court that, at the request of both sides the parties are granted an additional 10 days within which time to submit proposed Findings of Fact and Conclusions of Law, simultaneously. (Fred Daugherty-Judge.) b	
3-30-71	Stipulations of fact, filed. g	
6-9-71	Memorandum Opinion filed, requesting Pltf. to prepare Judgment within 15 days. (FD-J)r <i>Waived Request to file</i>	
6-10-71	Pltf's proposed F/F, C/L & Order for judgment, filed. m	
6-10-71	Pltf's proposed judgment, filed. m	
6-10-71	Deft's proposed F/F, C/L and order for judgment, filed. m	
6-10-71	Deft's proposed judgment, filed. m	
6-10-71	Memorandum in support of defts' proposed F/F, C/L & order for judgment, filed. m	
6-10-71	Pltf's argument and answer brief, filed. m	
6-25-71	Judgment filed and entered. Pltf is granted judgment against Defts Central States, Southeast and Southwest Areas Pension Fund for normal retirement of \$200.00 per mo. beginning 4-1-68 thru 6-1-71 of \$7,800.00 with int. from due date of (10%) until paid during lifetime. Also a sum of \$90.00 per month. IT IS FURTHER ORDERED, by Court that pltf has not states any claim for relief against Defts, Albert D. Matheson, Champ J. Madigan, John A. Murphy, Thomas J. Duffey, John F. Spickerman, Herman A. Lueking, Jr., J. A. Sheetz, Wm. J. Kennedy, Frank E. Firtzsimmons, Donald Peters, Frand H. Ranney, Joseph W. Morgan, Roy L. Williams, Odell Smith, Wm. Presser & Robt Holmes, the Trustees and each is hereby granted Judgment against pltf determining that defts have no personal liability to pltf. Files and Entered. (FD-J)r <i>Review to all attys</i>	
7-27-71	Partial release and satisfaction of judgment, filed. \$9,099.48 received by plaintiff from defendant, in payment of \$7,800.00 with interest at the rate of 10% until paid, and \$200.00, being payment for month of July, 1971. All other portions of said judgment to remain in full force and effect.	

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